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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,856	07/09/2003	Olaf Kruse	3663-38	1796

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EXAMINER

TRUONG, THANH K

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/616,856

Applicant(s)

KRUSE, OLAF

Examiner

Thanh K. Truong

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 2, 2006 has been entered.
2. Applicant's cancellation of claims 1-13 is acknowledged.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). **The drawings must show every feature of the invention specified in the claims.** Therefore, the "socket" (claims 1, 12 and 13) must be shown **or the feature(s) canceled from the claim(s).** No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 14-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "plug socket" in claims 14, 16, 17, 20, 21 and 24 is vague and indefinite, because the following reasons:

it is unclear is the phrase "plug socket" referring to a plug (a fitting, commonly with two metal prongs for insertion in a fixed socket) and a socket (an opening or cavity for receiving the plug), or

is the phrase "plug socket" referring to only a socket?

The recitation: "wherein said combustion engine selectively powers both said cutting tool and said plug socket" (in claims 17 and 21)(emphasis added) is vague and

indefinite, because the combustion engine powers the generator not the "plug socket". The electrical power is connected to the lamp or tool via a plug and a socket. The combustion engine alone (without the generator) cannot provide electrical power.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 14-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamm (4,217,537).

Hamm discloses (figures 1-4) a chain saw comprising:

a combustion engine (14); a cutting tool (column 2, lines 33-39); a generator (12) operatively connected to the combustion engine; and a plug and socket that is accessible through a housing of the chain saw for supplying electrical power from the generator to an external electrical accessory.

Column 1, lines 5-7 discloses:

"The present invention relates to electrical generators and particularly to a portable electrical generator powered by the engine unit of a conventional chain saw."
(emphasis added); and

column 1, lines 36-41 discloses:

"The above described chain saw drives generator may be used generally as a hand portable electrical generator. With the appropriate voltage output, the generator could power outdoor lighting, electrical appliances, tools, or the like. Such apparatus would be particularly useful in remote areas." (emphases added).

The examiner construes that it is obvious to read the "engine unit of a conventional chain saw" as a chain saw powers by a combustion engine, and it is obvious to construe that the generator of the chain saw including a plug, a power cord, and a socket for providing electrical connection between the generator and the lighting, electrical appliances and tools. Because, conventionally, the chain saw is powered by a combustion engine, and conventionally, a plug, a power cord and a socket are commonly used as means to carrying and connecting the electrical power from the generator to the electrical accessory.

Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have construed that Hamm's power chain saw is driven by a combustion engine, and there is a socket accessible through the housing of the chain saw for supplying power to the external electrical accessory.

Hamm further discloses: a lamp (lighting), electrical power cord (to carry the electrical power).

Regarding claims 21 and 22, the examiner construes that Hamm also discloses: a housing (14, 16, 26) as a housing unit of the whole apparatus, thus the generator is disposed within the housing, and the generator operatively connected to the combustion engine and the electrical accessory.

In light of the Applicant's remarks filed May 2, 2006, in which the Applicant referred to the reference number (104) as shown in figure 1 as the "plug socket", the following rejection is formulated:

8. Claims 14-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagashima (4,654,970) in view of Leininger (4,678,922).

Nagashima discloses an apparatus comprising: a combustion engine and a generator for supplying voltage to an electrical consumer; the generator has a connection for attachments for an external consumer (figure 1 and column 2, lines 49-54). Nagashima further discloses that the connection for attachment of one electronic component is arranged in the housing of the hand-held machine tool (column 2, lines 45-49).

Nagashima discloses the claimed invention, but does not expressly disclose a "plug socket" that is accessible through a housing of the chain saw for supplying power from the generator to an external electrical accessory.

Leininger discloses (figure 1) an apparatus comprising an air power hand tool with generator to energize a lamp (28), which is connected to the power tool via a flexible cable (30), affixed to the housing of the hand-held machine tool providing light to the work area via a plug and a socket (figure 1 shows between the end of power cord (30) and the surface of the housing (14) there is a "plug socket"; the plug is disposed at end of the power cord, and the socket is the cavity on the housing that the plug is inserted to).

Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Nagashima apparatus by connecting the lamp to the generator of the hand-held machine tool via a "plug socket" as taught by Leiniger to provide light at the working area.

9. Claims 14-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagashima (4,654,970) in view of Steele (4,870,811).

As discussed in paragraph 8 of this office action, Nagashima discloses the claimed invention, but it does not expressly disclose a "plug socket" that is accessible through a housing of the chain saw for supplying power from the generator to an external electrical accessory.

Steele discloses an apparatus comprising:

a combustion engine drive (32);

a generator (34) for supplying voltage to an external electrical consumer, the generator having a "plug socket" (19) for attachments for an external electrical consumer. Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Nagashima apparatus by connecting the external electrical accessory to the generator of the hand-held machine tool via a "plug socket" as taught by Steele to provide means to connect the electrical power from the generator to the external electrical accessory.

The modified Nagshima by Steele further discloses: a lamp may be connected to the connection for attachment by means of a "plug socket" (Steele - the last line of the abstract).

Response to Arguments

10. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

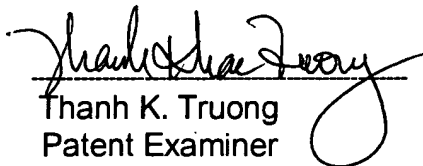
Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K. Truong whose telephone number is 571-272-4472. The examiner can normally be reached on Mon-Thru 8:00AM - 6:30PM.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Thanh K. Truong
Patent Examiner
May 10, 2006.